

REMARKS

The Non-Final Office Action, mailed September 15, 2008, considered claims 23–36. Claims 23–36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al., U.S. Patent No. 6,654,830 (filed Dec. 6, 1999) (hereinafter Taylor), in view of Eastep, U.S. Patent No. 5,566,328 (filed Jan. 23, 1995) (hereinafter Eastep), and in further view of Seejo Sebastine, *A Scalable Content Distribution Service for Dynamic Web Content* (University of Virginia, June 15, 2001) (hereinafter Sebastine).¹

By this response, no claims are amended such that claims 23–36 remain pending.² Claims 23 and 36 are independent claims which remain at issue.

As reflected in the claims, the present invention is directed generally toward methods and computer program products for relocating and reorganizing legacy storage and for accessing the relocated storage. Claim 23 recites, for instance, in combination with all the elements of the claim, a method for reorganizing storage and accessing the reorganized storage. The method includes, inter alia, relocating a share from a legacy server to a new server. The contents and permissions of the legacy share are copied to the new server. The legacy server name is aliased to a consolidation server. A root associated with the legacy share is created on the consolidation server and a link is created on the legacy server root corresponding to the share on the new server. The legacy server name is resolved and the consolidation server receives a request from a client for the legacy share. The consolidation server rewrites the legacy share path name and traverses the rewritten share path name and resolves links within the path. The consolidation server responds to the request with the share path name of the (new) location of the relocated legacy share.

Claim 36 recites a computer program product embodiment of the method of claim 23.

Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Taylor, in view of Eastep, and in view of Sebastine.³ The Applicants respectfully disagree and traverse the rejection(s).

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² The amendments and remarks presented herein are consistent with the information presented by telephone by patent attorney Thomas Bonacci (reg. no. 63,368).

In particular, the Office asserted that Taylor col. 5 l. 60–62 teaches “copying contents and permissions of the legacy share to the new server.”⁴ The cited portion of Taylor reads “the intermediate device maps all data access requests identifying the data set subject of the transfer and received on the interface to link ...” and the Office interpreted “copying contents and permission as mapping all data access requests.”⁵ The Applicants submit that “copying contents and permissions” cannot be equated with “mapping data requests.” It is possible to map a data request without any necessity of copying contents or copying permissions from a legacy share to a new server. Further, mapping a request fails to suggest any copying of contents or permissions.

The Office asserted that Taylor col. 6, l. 38–60, teaches “aliasing [a] legacy share server name to resolve to the network address of a consolidation server.”⁶ The portion of Taylor asserted by the Office to teach the relevant limitation recites “... protocols such as the Internet Protocol are used over the communication links carrying storage transactions on a variety of media and in a variety of protocols.”⁷ IP protocols are well-known in the arts. However, there is no mention in the cited portion of Taylor to a legacy server name which is aliased such that it resolves to a network address of a consolidation server.

The Office asserted that Eastep col. 1, l. 40–42, teaches “creating a legacy server root;” asserted that Eastep col. 2, l. 17–20, teaches “associated with the name of the legacy server;” and asserted that col. 1, l. 35–39 and Fig. 1A, teaches “on the consolidation server.”⁸ The Applicants first submit that separating clauses such as “associated with the name of the legacy server” and “on the consolidation server” from the recited limitation fails to give the limitation – recited in its entirety – its explicitly recited meaning. Further, “rather than use the descriptive names of, e.g., ‘directory 1’ or ‘file 1’, etc., more typical names are used such as would be encountered in a UNIX-like system”⁹ fails to teach “creating a legacy server root *associated with the name of the legacy server* on [a] consolidation server.” Using “typical [UNIX-like] names” fails to teach or suggest in any way creating a server root and fails to teach that the

³ Office Comm. p. 3.

⁴ Office Comm. p. 3.

⁵ Office Comm. p. 3.

⁶ Office Comm. p. 3.

⁷ Taylor col. 6, l. 45–47

⁸ Office Comm. p. 4.

⁹ Eastep col. 2, l. 17–20.

server root is associated with a legacy server. Further, "[t]he operating system allows a user of the computer system to create, access and manipulate files and directories within a directory structure such as the directory structure shown in FIG. 1A"¹⁰ fails to teach or suggest "creating a legacy server root associated with the name of the legacy server *on [a] consolidation server*." Creating, accessing, and manipulating files and directories within a directory structure is well-known in the art. However, such teaching fails to teach or suggest the explicit elements recited in the limitation "creating a legacy server root associated with the name of the legacy server on [a] consolidation server."

The Office asserted that Eastep col. 3, l. 35–40, teaches "receiving at the consolidation server a request from a client for the legacy share path name."¹¹ Eastep col. 3, l. 35–40, recites

"Therefore, *it is desirable* to have a system where a file handle that is one of multiple file handles for the same file can be used to regenerate the pathname that was originally resolved to create the file handle. Such a system should be useful, for example, to generate a pathname that was used to open a file in the case where the file has several file handles and pathnames."¹²

First, the Applicants submit that the cited passage fails to teach or suggest any request being received at a consolidation server from a client for a legacy share path name. The cited passage is silent as to any request, silent to any consolidation server, silent as to a client, and silent as to a legacy share path name. Further, and importantly, the cited passage recites merely a hypothetical of something which is "desirable," but not something which is actually taught or embodied.

For at least the distinctions noted above, the Applicants submit that the cited art fails to teach or suggest all the limitations of claim 23 as recited and therefore a rejection under 35 U.S.C. § 103 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 23.

Independent claim 36 incorporates the limitations recited in claim 23 and therefore the discussion, above, applies also to claim 36. Accordingly, a rejection of claim 36 under 35 U.S.C. § 103 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claim 36.

¹⁰ Eastep col. 1, l. 35–39.

¹¹ Office Comm. p. 4.

¹² Eastep col. 3, l. 35–40 (emphasis added).

In view of at least the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 15th day of December, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", with a stylized flourish at the end.

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